

<sup>2</sup> The record indicates that appellant has three other FECA claims.

her injuries and indicated that she was awaiting right total hip replacement surgery. He continued to advise that appellant could not work due to these conditions. By decision dated July 12, 2016, OWCP denied the claim for wage-loss compensation for the period February 18 to May 16, 2016, finding that the medical evidence was insufficient to establish causal relationship. Counsel timely requested a hearing with OWCP's Branch of Hearings and Review. Dr. Clay continued to submit reports advising that appellant remained totally disabled.<sup>3</sup> On August 19, 2016 he indicated that a February 1, 2007 injury, was accepted for herniated disc injury led to right hip and lower extremity problems and opined that this caused her current disability and necessitated a right total hip arthroplasty. A hearing was held on February 27, 2017.<sup>4</sup> In the April 24, 2017 decision, the hearing representative noted the conditions accepted in the instant claim, File No. xxxxxx448. He also referenced extensive medical evidence found in File No. xxxxxx204, and discussed the accepted conditions and a job description found in that claim. In affirming the July 12, 2016 decision, the hearing representative relied on evidence from File No. xxxxxx204.

The Board finds that the case is not in posture for decision. Pursuant to 20 C.F.R. § 501.2(c)(1), the Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Decisions on claims are based on the written record, which may include forms, reports, letters, and other evidence of various types such as photographs, videotapes or drawings.<sup>5</sup> Evidence may not be incorporated by reference, nor may evidence from another claimant's case file be used.<sup>6</sup> Evidence contained in another of the claimant's case files may be used, but a copy of that evidence should be placed into the case file being adjudicated.<sup>7</sup> All evidence that forms the basis of a decision must be in that claimant's case record.<sup>8</sup>

The hearing representative's April 24, 2017 decision referenced evidence associated with OWCP File No. xxxxxx204.<sup>9</sup> He discussed reports from Dr. Everett Walker, Board-certified in preventive medicine, Dr. Wayne Beveridge, a Board-certified neurosurgeon, and Dr. C. Thomas Hopkins, Board-certified in orthopedic surgery. The hearing representative relied on this medical evidence in denying appellant's claim. He, however, neglected to enter the referenced evidence into the current case record, File No. xxxxxx448. Due to this oversight, the Board is

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<sup>3</sup> In duty status reports (Form CA-17) dated June 13 and July 13, 2016, Dr. Clay referenced OWCP File No. xxxxxx204, and in correspondence dated August 19, 2016 he referenced File No. xxxxxx390. OWCP adjudicated the instant claim under File No. xxxxxx448.

<sup>4</sup> During the hearing appellant testified that, at the time of the July 8, 2015 injury, she was working in a sedentary position for four hours daily answering a telephone. She indicated that she had performed this job since 2007 and that she continued to receive wage-loss compensation under another claim for four hours daily.

<sup>5</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Development of Claims*, Chapter 2.800.5a (June 2011).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Supra* note 2.

not in a position to make an informed decision regarding appellant's claim for disability compensation for the period February 18 to May 16, 2016.<sup>10</sup>

Since the record lacks sufficient evidence for the Board to render an informed decision, the case shall be remanded to OWCP for further development. As noted, all evidence that forms the basis of a decision must be included in the case record.<sup>11</sup> After OWCP has developed the record consistent with the above-noted directive, it shall issue a *de novo* decision regarding appellant's claim for disability compensation.<sup>12</sup>

**IT IS HEREBY ORDERED THAT** the April 24, 2017 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded to OWCP for further proceedings consistent with this decision of the Board.

Issued: December 27, 2017  
Washington, DC

Christopher J. Godfrey, Chief Judge  
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge  
Employees' Compensation Appeals Board

Alec J. Koromilas, Alternate Judge  
Employees' Compensation Appeals Board

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<sup>10</sup> See *L.W.*, Docket No. 17-0526 (issued May 12, 2017).

<sup>11</sup> *Supra* note 5.

<sup>12</sup> See *J.B.*, Docket No. 17-1356 (issued October 4, 2017).